

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JOEL F. HOLUBAR, et al.

Plaintiff

v.

CIVIL ACTION

NO. 04-11850-NG

M/Y SWEET DISTRACTION, et al.

Defendant

O R D E R

GERTNER, D. J.

The complaint in the above-entitled action was filed on August 24, 2004, and the plaintiffs' Motion to Extend Time for Service of Process was allowed on January 5, 2005. As of this date there has been no return to the Court of proof of service of the summons and complaint as required by Rule 4(m) of the Federal Rules of Civil Procedure and Local Rule 4.1(b) of the Local Rules of this Court.

Accordingly, it is hereby ORDERED that, pursuant to Fed. R. Civ. P. 4(m) and Local Rule 4.1(b), the above-entitled action will be dismissed without prejudice in twenty (20) days from the date of this Order unless a proof of service is filed or good cause shown why service has not been made.

By the Court,

May 10, 2005

Date

/s/ Jolyne D'Ambrosio

Deputy Clerk